

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GAO LIANG, on behalf of himself and all
similarly situated persons,

Plaintiff,

Case No. 08-11340

v.

Honorable Patrick J. Duggan

MARY JANE M. ELLIOTT, P.C.,

Defendant.

/

**ORDER DENYING DEFENDANT'S MOTION FOR SANCTIONS
UNDER FED. R. CIV. P. 11**

At a session of said Court, held in the U.S.
District Courthouse, Eastern District
of Michigan, on October 9, 2008.

PRESENT: THE HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE

Presently before the Court is a motion by Defendant seeking Rule 11 sanctions for Plaintiff having filed a complaint which, according to Defendant, "lacks any basis in fact or law."

On October 8, 2008, this Court issued an Order granting Defendant's motion for summary judgment. However, this Court does not believe that Plaintiff's complaint was so lacking in merit that Rule 11 sanctions are warranted.

In Plaintiff's opposition to the motion for summary judgment, Plaintiff pointed to case law which Plaintiff's counsel believed supported Plaintiff's position. While this Court believes that the cases relied upon by Plaintiff are distinguishable, nevertheless this Court

does not conclude that, at the time of filing the complaint, it should have been clear to Plaintiff's counsel that the complaint had no merit.

Therefore, for reasons set forth above,

IT IS ORDERED that Defendant's Motion for Rule 11 Sanctions is **DENIED**.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:

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Michael J. Sullivan, Esq.